

**CHAPTER 4 AMBIENT MONITORING, EMERGENCY PROCEDURES,
CHEMICAL ACCIDENT PREVENTION AND CONFORMITY****Sections**

400	Air Pollution Reporting Index
401	Emergency Procedures
402	Chemical Accident Prevention
403	Determining Conformity of Federal Actions to State or Federal Implementation Plans
499	Definitions and Abbreviations

400 AIR POLLUTION REPORTING INDEX

- 400.1 The Mayor shall establish a simplified, daily, public reporting index of air pollution levels in the District of Columbia. This index shall indicate the levels of pollutant about which he or she determines the public should be informed. The Mayor, in adopting an index, shall coordinate as closely as possible with the Metropolitan Washington Council of Governments to ensure a uniform regional system of air quality levels reporting.

AUTHORITY: Unless otherwise noted, the authority for this chapter is § 412 of the District of Columbia Self-Government and Governmental Reorganization Act, as amended, 87 Stat. 790, Pub. L. No. 93-198 codified at D.C. Official Code § 1-204.04(a) (2001); § 3 of the District of Columbia Air Pollution Control Act of 1984, D.C. Law 5-165 (D.C. Act 5-230) codified at D.C. Official Code § 8-101.06 (2001); Mayor's Order 93-12 dated February 16, 1993; and Mayor's Order 98-44 dated April 10, 1998.

SOURCE: Section 3 of the District of Columbia Air Pollution Control Act of 1984, D.C. Law 5-165 (D.C. Act 5-230) published at 32 DCR 562, 599 (February 1, 1985).

401 EMERGENCY PROCEDURES

- 401.1 The Mayor shall amend as necessary the Emergency Episode Plan containing the procedures necessary to enable him or her, acting alone or with the air pollution control agencies of the surrounding jurisdictions, to deal effectively with an air pollution emergency.
- 401.2 Any proposed amendment to the Emergency Episode Plan shall be submitted to the Council of the District of Columbia and shall not take effect unless approved by resolution of the Council.
- 401.3 Prior to submitting a proposed amendment of the Emergency Episode Plan to the Council, the Mayor shall hold a public hearing, giving thirty (30) day notice of the hearing.
- 401.4 The plan shall be kept on file by the Mayor and shall be available for public inspection.
- 401.5 Whenever the Mayor finds an emergency exists requiring immediate action to

protect the public health and welfare, the Mayor may, without notice or hearing, issue an order that includes the following:

- (a) The basis for the existence of the emergency;
- (b) The episode stage at which the emergency exists; and
- (c) The action to be taken to meet the emergency.

401.6 The Mayor may require the owner or operator of a source of air pollution to prepare a written plan for reducing the emission of air pollution during an episode stage, according to the guidelines set forth in the Emergency Episode Plan.

401.7 An owner or operator shall have thirty (30) days in which to comply with the Mayor's request to prepare an individual abatement plan. This plan shall include the following:

- (a) The identity of the source of air pollutants; and
- (b) A brief description of the manner in which the reduction in emissions will be achieved during each episode stage.

401.8 An individual abatement plan shall be approved or disapproved by the Mayor within thirty (30) days after it is submitted.

401.9 Whenever the Mayor determines that an air quality emergency exists, the Mayor shall instruct the public on the action to be taken according to the Emergency Episode Plan or shall order the public to take whatever action the Mayor deems necessary to avert, ameliorate, or end the emergency.

401.10 Notwithstanding any other provision of this subtitle or any other law, if the Mayor determines that a situation exists which is causing or contributing to air pollution or could cause or contribute to air pollution so as to require immediate action to protect the public health or welfare, the Mayor shall take the action necessary to abate the situation. The action shall be clothed with the police power and may include, but is not limited to, the following:

- (a) To order the person(s) to reduce, discontinue, or take the action(s) necessary to abate the situation. Each order shall be complied with immediately;
- (b) To impound any source of air pollution equipment in the possession of any person;
- (c) To forbid the operation of any source, machine, device, or equipment. Notice of the prohibition shall, if possible, be given to any person who owns, possesses, or operates the source, machine, device or equipment. The notice shall be complied with immediately; and

- (d) To enter any premises or property and take any action he or she deems necessary.

401.11 Any person against whom the Mayor may take an action authorized in § 401.5 of this subtitle may appeal the order or action to the Mayor. Upon appeal, the Mayor shall hold a hearing, if so requested, within a reasonable time after receiving the appeal. Not more than twenty-five (25) hours after the conclusion of the hearing, or receipt of the appeal if no hearing is requested, the person shall be notified by the Mayor whether the action or order has been affirmed, modified, or rescinded; provided, that the appeal shall not be grounds for noncompliance with any order issued under § 401.5 of this subtitle.

401.12 Nothing in this section shall preclude the Mayor from initiating appropriate action for the recovery of a penalty as is provided in this subtitle, nor shall this section preclude the Mayor from seeking other relief or remedy that is provided for by law.

401.13 The procedures of § 102 of this subtitle shall not apply to this section.

SOURCE: Section 3 of the District of Columbia Air Pollution Control Act of 1984, D.C. Law 5-165 (D.C. Act 5-230) published at 32 DCR 562, 599-601 (February 1, 1985).

402 CHEMICAL ACCIDENT PREVENTION

402.1 The requirements of 40 CFR Part 68, as in effect on September 30, 1997, are hereby adopted by reference for purposes of preventing, detecting and responding to accidental chemical releases to the air, pursuant to the requirements of § 112(r) of the Federal Clean Air Act, with the terms used and defined in those provisions.

SOURCE: Final Rulemaking published at 45 DCR 7037, 7040 (October 2, 1998).

403 DETERMINING CONFORMITY OF FEDERAL ACTIONS TO STATE OR FEDERAL IMPLEMENTATION PLANS

403.1 The requirements of 40 CFR Part 93, except §§ 93.100, 93.105, 93.107, 93.108, 93.130, 93.131, 93.132, 93.133, 93.136 and 93.151, as in effect on September 30, 1997, are hereby adopted by reference for purposes of determining conformity of federal actions to state or federal implementation plans, with the terms used and defined in those provisions.

SOURCE: Final Rulemaking published at 45 DCR 7037, 7040 (October 2, 1998).

499 DEFINITIONS AND ABBREVIATIONS

499.1 The meanings ascribed to the definitions and abbreviations appearing in §§ 199.1

and 199.2 respectively of Chapter 1 shall apply to the terms and abbreviations in this chapter.

SOURCE: Section 3 of the District of Columbia Air Pollution Control Act of 1984, D.C. Law 5-165 (D.C. Act 5-230) published at 32 DCR 562, 601 (February 1, 1985).